

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 15 AM 10:08 MJ 15 16

Magistrate Case No.

SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF: DEPUTY

DEPUTY

Title 8, U.S.C., Sec. 1325

Illegal Entry (Misdemeanor)

UNITED STATES OF AMERICA,

Plaintiff,

v.

Javier JAUREGUI-Ruvalcaba,

Defendant

The undersigned complainant, being duly sworn, states:

That on or about **May 14, 2008**, within the Southern District of California, defendant, **Javier JAUREGUI-Ruvalcaba**, an alien, did knowingly enter the United States at a time and place other than as designated by Immigration Officers, or elude examination and inspection by Immigration Officers, a misdemeanor; in violation of Title 8, United States Code, Section 1325.

The complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 15TH DAY OF MAY, 2008.

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

TKM

PROBABLE CAUSE STATEMENT

On May 14, 2008, at approximately 12:53 AM, the Remote Surveillance System reported two individuals running north at an area known as "Sony." This area is approximately five miles east of the San Ysidro, California Port of Entry and approximately 25 yards north of the United States / Mexico International Boundary.

Border Patrol Agent C. Weismann responded to the area, after a brief search of the area located one individual jumping down from the north side of the secondary fence as well as another individual still on top of the secondary fence. Agent Weismann identified himself as a Border Patrol Agent and questioned both individuals as to their citizenship and nationality. Both individuals, including one later identified as the defendant Javier JAUREGUI-Ruvalcaba admitted to being citizens and nationals of Mexico without having any immigration documents allowing them to be or remain in the United States legally. At approximately 12:59 a.m., both subjects were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Miranda rights were read to the defendant, he stated he understood his rights and was willing to speak without a lawyer present. The defendant stated that he is a citizen and national of Mexico present in the United States without any documentation that would allow him to enter or remain legally. The defendant stated that he made smuggling arrangements with an unknown individual in Mexico to be smuggled into the United States for the sum of \$1,800.00. The unknown individual told the defendant that once he jumped the fence he should run north and would then be picked up. When the defendant started climbing the ladder over the secondary fence, he noticed the concertina wire and was unable to cross.